

REMARKS

Claims 21, 24-29, 31-36 and 38 remain in the application after amendment herein. Independent claim 21 and the claims which depend therefrom stand rejected under Section 101. Accordingly, the claims are amended to recite statutory subject matter and also to correct errors or informalities of an apparent nature. Removal of the rejection under Section 101 is now appropriate.

The claims were also rejected under Section 102 and under Section 103 based on Wong-Insley (U.S. 6,131,166) alone or in combination with one of Backer (U.S. Pub No. 2002/0073094) or Hammond (U.S. 6,336,118). Applicants request reconsideration and allowance over the prior art in view of the above amendment and the following remarks.

The claims (e.g., independent claims 21 and 29) are each directed to a system or method for programming an automation system or an automation device. The primary reference which was relied upon for all of the art rejections is not at all concerned with programming of automation systems or devices but, rather, other kinds of systems. The claims have now been amended to further recite features specific to automation systems and devices, none of which is taught or suggested by the prior art.

The features of the storage medium according to independent claim 29 include a software system for providing a “programming environment to create device-independent functionality among automation devices in an automation system ...”

The claimed system includes

“one or more automation engineering editors for generating solutions for one or more of the automation devices ... a compiler for translating the solutions into an intermediate language in a runtime framework ... and an automation device-specific adapter for each of the automation devices ...”

Further, each adapter according to claim 21 provides

“a translation of a solution into instructions which can be interpreted by an automation device”

All of the foregoing features, as recited in claim 21, are different from and non-obvious in view of the cited art.

By way of further example, independent claim 29 now expressly requires a combination including:

“providing a compiler for receiving solutions from one or more automation engineering editors ... and

“providing an automation device-specific adapter for each of the automation devices ...

Furthermore, claim 29 requires that each adapter provide

“a translation of a solution from the intermediate language into instructions which can be interpreted by an automation device ...”

and that the software system provide

“encapsulation of specific functions of at least one of the automation devices ...”

All of the foregoing features are different from and non-obvious in view of the cited art.

As acknowledged by the Examiner, the Wong-Insley reference expressly relates to power management of computer systems and attached devices. While this is clearly not the same as the subject matter examined, rejections were nonetheless presented under Section 102. This was improper. Further, with the present amendment, there are further distinctions which more clearly render the subject matter non-obvious including, for example, providing “automation engineering editors for generating solutions for one or more of the automation devices ...” Numerous other distinctions are recited in the claims as well. In contrast, the reference has no relation at all to activities performed in automation systems or activities performed in relation to programming of automation

Serial No. 10/527,914
Atty. Doc. No. 2002P11020WOUS

devices. It is only the applicants who teach the claimed invention and none of the prior art can be combined to meet the terms of these claims.

For the above reasons the Wong-Insley reference cannot, by itself or in combination with any other prior art, be used to reject any of the claims. Removal of the rejection is therefore required.

Conclusion

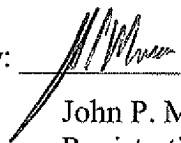
Applicants have now amended the claims to even more clearly distinguish over the prior art. It is submitted that, in view of the amendment to the claims and the recited features relating to automation, the Examiner will find no basis for rejecting the claims under Section 102 or under Section 103. Each of the dependent claims further distinguishes over the prior art.

The application is now in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/2/07

By: _____



John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830